

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANA CORDERO BARREIRO, as
administratrix of the Estate of NATHALY
CORDERO BARREIRO, and ANA
CORDERO BARREIRO, individually,

Plaintiff,

19 Civ. 10676 (OTW)

**WRONGFUL DEATH
COMPROMISE ORDER**

vs.

UNITED STATES OF AMERICA,

Defendant.

Upon the affirmation of plaintiff's counsel, WILLIAM PAGAN, ESQ. of THE PAGAN LAW FIRM, P.C., affirmed the 29th day of March, 2022 seeking judicial approval to compromise the claims for pain and suffering and wrongful death of the Decedent against Defendant, UNITED STATES OF AMERICA, for the total sum of FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00) with prejudice and without costs to any party against the other; the petition of ANA CORDERO BARREIRO, individually and as administratrix of the Estate of NATHALY CORDERO BARREIRO, duly sworn to the 8th day of March, 2022; and upon all exhibits, papers, pleadings and proceedings heretofore had herein and/or attached hereto for modification of the restrictions contained in the Letters of Limited Administration heretofore issued on October 6, 2017 by Hon Nelida Malave-Gonzalez, Bronx County Surrogate, to the extent required to allow the compromise and settlement of the within matter; authorizing Petitioner to execute any appropriate documents, releases, or other forms necessary to effectuate the settlement of this action and, upon such receipt, Defendant UNITED STATES OF AMERICA and/or its insurer to pay the sum of FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00) to ANA CORDERO BARREIRO, as Administratrix and The Pagan Law Firm, P.C., as Attorneys; approving and fixing the expenses

and disbursements to The Pagan Law Firm, P.C. in the sum of SIX THOUSAND SEVEN HUNDRED SIXTY DOLLARS AND FIFTY CENTS (\$6,760.50); approving and fixing the Medicaid lien and upon receipt of the settlement proceeds, authorizing The Pagan Law Firm, P.C. to pay NYC Department of Social Services Human Resources Administration the sum of EIGHT THOUSAND SEVEN HUNDRED DOLLARS (\$8,700.00) in full and final satisfaction of its lien asserted in this matter; directing Plaintiff to file a petition for allocation and distribution in the Surrogate's Court, Bronx County within 30 days following this Court's Order; upon proof of filing the Surrogate's Court, Bronx County Petition for allocation and distribution, authorizing The Pagan Law Firm, P.C. to withdraw and collect their expenses and disbursements in the sum of SIX THOUSAND SEVEN HUNDRED SIXTY DOLLARS AND FIFTY CENTS (\$6,760.50); dispensing with the filing of a bond; authorizing that the balance of the proceeds, to wit the total sum of FORTY-TWO THOUSAND, FIVE HUNDRED THIRTY-NINE DOLLARS AND FIFTY CENTS (\$42,539.50), shall remain deposited into an interest bearing escrow account for the benefit of the decedent's estate until a Decree for allocation and distribution by the Surrogate's Court, Bronx County; and for such other and further relief as this Court deems just and proper under the circumstances,

AND the court having obtained jurisdiction of all necessary and proper parties to the proceedings;

AND it appearing that ANA CORDERO BARREIRO, individually and as fiduciary empowered and authorized to settle the causes of action asserted on behalf of the decedent against the Defendant, UNITED STATES OF AMERICA,

AND it appearing further that Medicaid will not object to the settlement of this action subject to the terms and conditions herein;

AND it appearing to this Court that there is good cause to permit the fiduciary of the Estate of NATHALY CORDERO BARREIRO, deceased, to compromise the claims asserted herein and that such compromise is in the best interests of the Plaintiff-Fiduciary;

AND it appearing that ANA CORDERO BARREIRO, individually and as Administratrix of the Estate of NATHALY CORDERO BARREIRO, in consideration of the settlement amount, seeks to release UNITED STATES OF AMERICA;

AND it appearing further that the Petitioner is willing to accept the offer and the Defendant is willing to pay the same as directed by an Order of this Court;

NOW on all papers and proceedings heretofore had herein and upon the affirmation of plaintiff's counsel, WILLIAM PAGAN, ESQ. of THE PAGAN LAW FIRM, P.C., affirmed the 29th day of March, 2022 and the petition of ANA CORDERO BARREIRO, individually and as administratrix of the Estate of NATHALY CORDERO BARREIRO duly sworn to the 8th day of March, 2022, it is hereby

ORDERED that the restrictions contained in the Letters of Limited Administration heretofore issued on October 6, 2017 by Hon Nelida Malave-Gonzalez, Bronx County Surrogate, be and the same are modified to the extent required to allow the compromise and settlement of the within matter for the pain and suffering and wrongful death of the Decedent against Defendant UNITED STATES OF AMERICA, for the total sum of FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00) with prejudice and without costs to any party against the other; and it is further

ORDERED that ANA CORDERO BARREIRO, individually and as administratrix of the Estate of NATHALY CORDERO BARREIRO is authorized and empowered to settle and compromise all claims in the within matter for the pain and suffering and wrongful death of the

Decedent against Defendant UNITED STATES OF AMERICA, for the total sum of FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00) with no claims remaining; and it is further

ORDERED that upon full compliance with the terms and conditions of this Order, ANA CORDERO BARREIRO, individually and as administratrix of the Estate of NATHALY CORDERO BARREIRO, is authorized, empowered, and permitted to execute any appropriate documents, releases, or other forms necessary to effectuate the settlement of this action; and it is further

ORDERED that upon receipt of an executed (i) Stipulation for Compromise Settlement signed by the Plaintiff and Plaintiff's Counsel; (ii) a Compromise Order approving the settlement on behalf of the Estate of NATHALY CORDERO BARREIRO; (iii) a completed Payment Information Form from the Department of Health and Human Services (identifying name of bank, address of bank, city, state, and zip code of bank, routing number, account name, account number, and type of account); (iv) a Dismissal Order, dismissing this Action with prejudice; counsel for Defendant UNITED STATES OF AMERICA will send a request within ten (10) business days to the appropriate agency official or component requesting that the total Settlement amount in the sum of FIFTY-EIGHT THOUSAND DOLLARS (\$58,000.00) be sent by electronic fund transfer payable to THE PAGAN LAW FIRM, P.C.; and it is further

ORDERED that upon receipt of the settlement proceeds, THE PAGAN LAW FIRM, P.C., as attorneys for Plaintiff-Fiduciary, will hold same in an interest-bearing escrow account in the name of ANA CORDERO BARREIRO, as administratrix of the Estate of NATHALY CORDERO BARREIRO, deceased, pending compliance with the further provisions of this Order; and it is further

ORDERED that reimbursement for expenses and disbursements to THE PAGAN LAW FIRM, P.C. in the sum of SIX THOUSAND SEVEN HUNDRED SIXTY DOLLARS AND FIFTY CENTS (\$6,760.50) is hereby fixed and approved; and it is further

ORDERED that attorneys' fees for THE PAGAN LAW FIRM, P.C. are voluntarily and fully waived by the firm with consent of ANA CORDERO BARREIRO, individually and as administratrix of the Estate of NATHALY CORDERO BARREIRO; and it is further

ORDERED that upon receipt of the settlement proceeds, THE PAGAN LAW FIRM, P.C. is authorized to pay NYC Department of Social Services Human Resources Administration the sum of EIGHT THOUSAND SEVEN HUNDRED DOLLARS (\$8,700.00) in full and final satisfaction of its approved and fixed lien asserted in this matter; and it is further

ORDERED that ANA CORDERO BARREIRO, as administratrix of the Estate of NATHALY CORDERO BARREIRO, deceased, shall file a petition for allocation and distribution of the settlement proceeds in the Surrogate's Court, Bronx County within 30 days following this Court's Order; and it is further

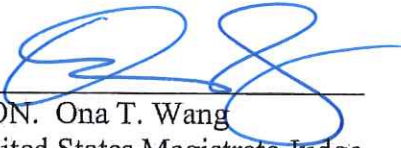
ORDERED that upon proof of filing the Surrogate's Court, Bronx County of the Petition for allocation and distribution, THE PAGAN LAW FIRM, P.C. may withdraw and collect their expenses and disbursements in the sum of SIX THOUSAND SEVEN HUNDRED SIXTY DOLLARS AND FIFTY CENTS (\$6,760.50) from the escrow account; and it is further

ORDERED that THE PAGAN LAW FIRM, P.C., pursuant to E.P.T.L. 5.4-6(a)(3), shall continue to serve as attorneys for the Plaintiff-Fiduciary of the Estate of NATHALY CORDERO BARREIRO, deceased, until entry of a final Decree in the Surrogate's Court as to the allocation and distribution of the net settlement proceeds, to wit the sum of FORTY-TWO THOUSAND,

FIVE HUNDRED THIRTY-NINE DOLLARS AND FIFTY CENTS (\$42,539.50) plus any interest accrued, without charge to the estate for additional legal fees; and it is further

ORDERED, that the filing of a bond be dispensed in accordance with the applicable provisions of the New York Civil Practice Law and Rules.

Dated: New York, New York
April 8, 2022



HON. Ona T. Wang
United States Magistrate Judge
Southern District of New York